IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 32419 of 2004(H)

PETITIONER:

KURIAKOSE, S/O. VARKEY,
AGED 50, RESIDING AT D.NO.216, KOORAN HOUSE,
THURAVOOR P.O., ANGAMALY.

BY ADV. SRI.ABHILASH NARAYANAN

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY SPECIAL TAHSILDAR,
REVENUE RECOVERY, ALUVA.

2. VILLAGE OFFICER,
THURAVOOR VILLAGE, ALUVA.

BY ADV. SMT.T.B.RAMANI, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 32419/2004

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF NOTICE UNDER SECTION 446 BY ACJM ERNAKULAM AGAINST THE PETITIONER.

P2 : COPY OF R.R. DEMAND NOTICE ISSUED TO PETITIONER DATED 18/09/2004.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 32419 of 2004

Dated, this the 29th day of November, 2007

J U D G M E N T

This writ petition is filed challenging recovery proceedings for recovery of fine imposed by the Magistrate, after forfeiture of the the Bail bond executed by the petitioner, consequent upon failure of the accused to appear before the Court. Since petitioner has statutory remedy against the fine imposed by the Magistrate Court by way of appeal before the Sessions/District Court, it is for the petitioner to get the copy of the order and file appeal. However, subject to the result of the appeal, if any filed by the petitioner, petitioner is granted three equal monthly instalments to clear the balance arrears, first of which will be paid on or before 15/02/2008 and balance on or before 15th of the two succeeding months. If payments are made as above by the petitioner, there will be direction to the respondents not to recover collection charges and interest from the petitioner.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg